United Nations A/C.3/55/5

General Assembly

Distr.: General
6 November 2000
English
Original: Arabic

Fifty-fifth session
Third Committee
Agenda item 114 (c)
Human rights questions: human rights situations and reports of special rapporteurs and representatives

Letter dated 2 November 2000 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit to you herewith the response of the Government of Iraq to the interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq, Mr. Andreas Mavrommatis, as contained in document A/55/294.

I should be grateful if you would have this letter and its annex circulated as a document of the Third Committee of the General Assembly under agenda item 114 (c).

(*Signed*) Saeed H. **Hasan**
Ambassador
Permanent Representative

00-73108 (E) 141100 161100

Annex to the letter dated 2 November 2000 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

Response of the Government of Iraq to the interim report of the Special Rapporteur

2 November 2000

I. Introduction

Before responding to the report of the Special Rapporteur contained in document A/55/294, we deem it necessary to refer to some basic considerations without regard for which it is not possible to address the issue of human rights in Iraq. The most important of these are outlined below.

(a) The legal system in Iraq is based on texts that incorporate the norms of the rule of law, some of which we list hereunder. They are fully in keeping with the international human rights instruments to which Iraq has acceded. The latter are legally binding, and they may be invoked in domestic litigation. The texts in question are as follows:

The 1970 Constitution of the Republic of Iraq, as amended;

The 1979 Judicial Organization Law, as amended;

The Penal Code (Law No. 111 of 1969), as amended;

The Code of Criminal Procedure (Law No. 33 of 1981), as amended;

The Code of Civil Procedure (Law No. 83 of 1979), as amended;

The State Consultative Council Law (Law No. 65 of 1979), as amended.

(b) General Comment No. 8 (1997) of the Committee on Economic, Social and Cultural Rights (E/1998/22-E/C.12/1997/10, annex IV) elucidates the relationship between international sanctions and respect for human rights. The treaty bodies that consider national reports on the implementation of the international human rights conventions have stressed the adverse consequences of sanctions for Iraq's commitments, for example in the concluding remarks of the Committee on the Rights of the Child on document CRC/C/41/Add.3 of 9 December 1996, those of the Committee on the Elimination of Racial Discrimination on document CERD/C/240/Add.3 of 14 June 1996, and those of the Committee on the Elimination of Discrimination against Women on documents CEDAW/C/IRQ/2-3 of 19 October 1997 and CEDAW/PSWG/2000/11/CRP/Add.2 of 14 June 2000.

(c) The comprehensive sanctions imposed on Iraq violate international human rights law, as is indicated in the working paper prepared by the Belgian legal expert Professor Marc Bossuyt for the Subcommission on the Promotion and Protection of Human Rights at its fifty-second session and contained in document E/CN.4/Sub.2/2000/33.

(d) The comprehensive sanctions that have been maintained against Iraq for more than 10 years, the constant military aggression against Iraqi territory since 1991 that has devastated the country's civilian infrastructure, and the enforcement of the unlawful no-flight zones that intimidate the civilian inhabitants, especially

children and women, and inflict large-scale losses in human and material terms — all of these have prevented the people of Iraq from enjoying the exercise of its economic, social, cultural, civil and political rights, chief among them the right to life and the right to development. This is to be considered as tantamount to genocide, whose perpetrators are to be punished by the international community under the terms of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide.

(e) The impact of the comprehensive sanctions has created an exceptional and dangerous social situation owing to the major economic difficulties that have caused the spread of unemployment and the emergence of social ills that have never previously existed in Iraqi society.

II. Methodology

From the Special Rapporteur's presentation of the methodology used (paragraphs 5 to 11 of the report), it seems clear that his basic sources of information were the visits he made to countries that are known for adopting political positions hostile to Iraq, namely Kuwait and the United Kingdom. The sources of information made available to him during his visits were therefore also of a type that is hostile to Iraq. Most of the elements he met in the course of these visits had committed crimes for which the law stills holds them accountable, such as failure to perform compulsory military service and numerous other crimes, or had been among those who took part in the riots following the 1991 ceasefire and had then committed such crimes as murder, rape, robbery, plunder and theft, offences against the property and dignity of citizens, the destruction of government offices, and the burning and destruction of the records and official State documents that protect the rights of citizens. They had also stormed the prisons and released convicted felons, all of whom had fled Iraq. The Special Rapporteur also refers to having received information from unspecified governments and to having met individuals and groups that he characterizes as "Iraqi opposition groups", but which are in reality no more than bands of mercenaries that are funded both overtly and in secret by United States, British and other intelligence services for the purpose of engaging in acts of sabotage in order to undermine security and stability in Iraq. There can be no doubt that it is very difficult to place any credence in information given currency by such sources, so that even Mr. Mavrommatis himself is unable to ignore this fact. In paragraph 10 of the report, he states that:

> "Another difficulty connected with the verification of the allegations received by the Special Rapporteur is the fact that in the vast majority of cases they were submitted by Iraqis who had sought refuge outside Iraq ... ."

This means that the great majority of the allegations and claims emanating from these sources and reflected in the report are false. The only logical conclusion that can be drawn by any fair-minded person who approaches human rights issues without having adopted any preconceived political positions is that it is completely impossible to accept the report's findings as facts on which positions or decisions can be based.

All of the sources used by the Special Rapporteur seek to mislead world public opinion with regard to the conditions being experienced by the Iraqi people under the unjust embargo and the ongoing United States and British aggression against the country. They also seek to harm the reputation of Iraq's national leadership by

calling on the Security Council to retain the comprehensive sanctions and by trying to distract world public opinion and prevent it from thinking of protesting against the comprehensive sanctions and demanding their elimination and indeed to influence the impartial with a view to inducing them to align themselves with the side hostile to Iraq.

III. Findings

A. Right to life

In paragraph 12 of the report, under the heading "Right to life", the Special Rapporteur cites a number of overstated charges concerning the arbitrary execution of a large number of individuals. Like other countries of the world, Iraq has capital punishment for the most serious crimes. Measures are taken against those charged with such crimes only after proper, fair and public trials by independent and competent courts and in accordance with the law in force. The relevant courts provide all the guarantees for defence stipulated in article 44 of the Code of Criminal Procedure, inasmuch as the president of the court appoints counsel to defend the accused if the latter has not appointed an attorney himself and the presence of a defence attorney is a prerequisite if proceedings in criminal cases are to be in good order.

Whenever a verdict of guilty is pronounced against an accused person, the papers in the case are automatically sent to the court of appeal for consideration of the judgement pursuant to article 224 (d) of the above Code, and the accused may contest the verdict within a period of 30 days. Accordingly, any sentence, including a capital sentence, is only implemented after it becomes final in accordance with the law.

The letters of the Special Rapporteur, such as that dated 22 May 2000 mentioned in paragraph 14 of the report and subsequent letters, contain overstated assertions and the reiteration of old and regurgitated information to which Iraq has already reacted in its responses to previous reports of the Special Rapporteur. In response to paragraph 2 of the [annex to the] Special Rapporteur's letter dated 14 June 2000 [i.e. 10 August 2000] [addressed to the Permanent Representative of Iraq to the United Nations at Geneva], Iraq affirms that there is no discrimination against any confessional group, that freedom of thought and belief is guaranteed and that religious rites are performed in complete freedom as guaranteed by articles 19 and 25 of the Iraqi Constitution.

In response to paragraph 2 of the [annex to the] Special Rapporteur's letter of 14 June 2000, the relevant Iraqi authorities have stated that the journalist Najm Abd Allah Barjas al-Sa`dun was sentenced to death in 1987 because he had been engaged in espionage on behalf of another country. In accordance with the law, the verdict was referred to the court of appeal and was made final. The death sentence was then commuted to 20 years in prison. He died in Abu Ghurayb prison at the beginning of this year, 2000, of natural causes and old age, having been born in 1919.

In response to paragraph 3 of the [annex to the] Special Rapporteur's letter of 14 June 2000, the information available to the relevant Iraqi authorities indicates that Jabbar Sa`d al-Rahmawi died of natural causes in 1985 and that his son, Falih, was remanded with his paternal uncle to the competent courts on the charge of having murdered the administrator of Akikah district, Muhammad Ali Fayyad, and a

number of government officials. The other persons mentioned in this paragraph were charged with participating in the same two incidents and were remanded to the relevant courts, which pronounced sentences against those convicted of crimes that subsequently became final in accordance with the code of procedure mentioned above.

In connection with paragraph 5 of the [annex to the] same letter, the information available to the relevant Iraqi authorities indicates that Jasim Abbud Sha'it and his paternal first cousin Subayh Hatim Shakhi al-Nawfali, residents of the Uzayr-Jamshah district in Maysan Governorate, abducted two unknown persons and held them hostage for more than one month while demanding amounts of cash in connection with the traffic in narcotics. On 14 December 1999, a joint police force surrounded the village and searched the houses there in order to free the hostages. Shabbut Hatim Shakhi and Abbud Shakhit Zhughayr were arrested for questioning, and on 28 December 1999 the judge decided to release them on bail of 100,000 dinars.

In response to paragraph 6 of the [annex to the] above letter, it should be noted that the Kahla' area is situated on the Iraq-Iran boundary, that Iraqi military units are stationed there to protect the border and prevent the infiltration of individuals or terrorist groups and thus safeguard national security and that no one in this area has been detained.

Paragraphs 1 and 2 of the [annex to the] Special Rapporteur's letter of 10 August 2000 [addressed to the Permanent Representative of Iraq to the United Nations at Geneva] contain assertions that are inaccurate or untrue.

In response to paragraph 3 of the [annex to the] same letter, we should like to reiterate to the Special Rapporteur the statements made in our previous responses to the effect that, like all three northern governorates, Sulaymaniyah Governorate is in a situation where there is a complete absence of central authority and that it is consequently beyond the reach of the law of the State so that outlaws, bandits and others may be brought to account, to say nothing of the infighting among the various Kurdish groups. One example is the fighting between the Talabani group and the Kurdish Workers' Party of Turkey that is currently under way. That region is therefore experiencing a state of anarchy that has turned it into an arena for the subversive activities of elements infiltrating from the neighbouring countries.

The information to which reference is made in paragraph 4 of the [annex to the] letter in question is incorrect, and the allegations reported in paragraph 5 have been made before and Iraq has already responded to them on numerous occasions.

In response to paragraph 6 of the [annex to the] letter [of 10 August 2000], the relevant Iraqi authorities have stated that on 12 March 2000 a civil defence force surrounded Umm al-Burum Square in the Ashshar section of Basrah after it had been notified that there was an explosive charge in an establishment for the sale of alcoholic beverages. The force withdrew immediately the charge had been rendered harmless.

The reference in paragraph 16 [of the report of the Special Rapporteur] seems to be to Sheikh Mirza Ali al-Gharawi (Gharavi) and Sheikh [Murtada] al-Burujerdi. The Government of Iraq responded to the questions of the previous Special Rapporteur on this matter, but its response, which was sent on the basis of inquiries by the Special Rapporteur on summary or arbitrary executions, was ignored. On

1 December 1999, the Government of Iraq forwarded a detailed reply covering all the circumstances of the incident and the findings of the inquiry. The accused were remanded for trial and received their just recompense after being convicted and sentenced on 13 March 1999. The case was referred for appeal pending confirmation of the convictions and sentences.

The charges contained in paragraphs 17 to 20 [of the report] must have been made in an attempt to level accusations at the Government of Iraq by any possible means, because the assertions they contain are untrue or lack precision. It is to be hoped that the Special Rapporteur does not take account of all he is told by persons or groups in the pay of hostile parties.

The material contained in paragraph 21 of the report has been included in the Special Rapporteur's previous reports and letters, and Iraq has already responded to it on several occasions. We should like to remind the Special Rapporteur that the Government makes a determined effort to protect men of religion.

B. Arbitrary arrest and detention

In paragraphs 24 and 25 of his report, the Special Rapporteur transmits allegations that there have been cases of arbitrary arrest and detention, that secret trials have been held, that defence attorneys have not been provided, and so forth. These allegations are devoid of truth. Article 92 of the Code of Criminal Procedure states that no person may be arrested or detained other than under an order issued by a magistrate or in other circumstances in which such action is permitted by the law. Article 109 and subsequent articles of the Code set forth the procedures for the arrest and investigation of a suspect and his interrogation and referral to the court. The decisions of the investigating magistrate are subject to appeal before the criminal court, and after the conclusion of the trial his decisions are subject to appeal before the appellate court acting as a court of cassation. The decisions of criminal courts can also be contested before the court of cassation, and death sentences are scrutinized on appeal by the general board of the court of cassation. Trials are held in public and there are guarantees for the defence for the accused. We should hence like to assure the Special Rapporteur that accused persons have all the legal guarantees accorded them by the laws of Iraq, including the right to defence, to appoint counsel, to be tried in public, to call witnesses and to use the right of legal contestation such as appeal. All of these false allegations involve hyperbole, are far from objective and do not in any way serve the objective of protecting and strengthening human rights.

C. Torture and ill-treatment

In paragraphs 27 and 28 of the report, the Special Rapporteur addresses what he calls the "torture and ill-treatment" of prisoners and prison conditions. We should like to assure the Special Rapporteur that Iraqi legislation prohibits torture and regards it as a crime punishable by law. It does so in articles 331 and 332 of the Penal Code and article 127 of the Code of Criminal Procedure, which provides that the confession of a suspect resulting from any kind of coercion is null and void and lacks any probative value.

The allegations made concerning the ill-treatment of prisoners are untrue. The prison administration of the Ministry of Labour and Social Affairs provides various services to prisoners and allows them opportunities for vocational employment and

craft work. There are shops inside the prison that are run by the prisoners themselves. Means of recreation are also available, such as participation in various sports, television, films and publications such as newspapers and books. The prisoners also have weekly family visits.

D. Missing Kuwaitis

In paragraphs 30 to 40 of his report, the Special Rapporteur addresses the issue of missing Kuwaitis. The position taken by the Republic of Iraq in its dealings with the Tripartite Commission and its Technical Subcommittee is well known to the Special Rapporteur. It is a well-established position and is based on the fact that parties are represented in these two bodies that are not impartial and that are, indeed, hostile to Iraq, persist in harming the Iraqi people and endeavour to use the issue for well-known political purposes. Iraq has the right to refuse to have anything to do with the Commission as currently constituted. Iraq is continuing to search and inquire for missing persons of all nationalities, including Kuwaitis. At the same time, it insistently urges all of the parties concerned, including the Government of Kuwait and the Special Rapporteur, to seek to determine the fate of the 1,150 missing Iraqis, particularly since the International Committee of the Red Cross (ICRC) is aware of the details of this matter. One of the basic obstacles to determining the fate of those missing is that official State institutions in the southern governorates were burned, robbed and plundered, records and documents were destroyed and prisons were stormed in the events that followed the ceasefire in 1991. As a result, many prisoners escaped from detention centres. These included Kuwaitis, of whom some returned to Kuwait on foot or surrendered to ICRC. Iraq affirms its readiness to continue to inquire as to the fate of the Kuwaiti and other missing persons in cooperation with ICRC and with those members of the Commission that actually do have cases of missing persons.

In paragraph 38 of the report, the Special Rapporteur refers to the criminal actions that took place after the ceasefire in 1991 as "the uprising (al-intifadah)", despite the indiscriminate murder of innocent people, the destruction of government buildings and official documents, the robbery and plunder, the destruction of property belonging to innocent civilians and the cases of rape that took place at that time. These actions were supported by United States intelligence agencies and by countries that are Iraq's neighbours.

It is to be regretted that the Special Rapporteur does not address the question of the so-called no-flight zones, which are unlawful and are not mentioned in any of the relevant Security Council resolutions, or the catastrophic consequences they have had, as we have indicated in paragraph (d) in section I above, in flagrant violation of all human rights in Iraq.

E. Missing Iraqis

In paragraphs 41 to 43 of the report, the Special Rapporteur addresses the question of the fate of the missing Iraqis. While we appreciate the initiative taken by Mr. Mavrommatis in addressing for the first time the issue of the missing Iraqis, we hope that he will accord this humanitarian issue greater attention and will do so in a manner proportionate to his attention to the issue of missing persons of other nationalities by reflecting the facts in an objective, impartial and accurate manner. The value of the human being is the same regardless of his nationality.

F. Harassment of "Iraqi opposition members"

Paragraphs 44 to 48 of the report contain an account of the many allegations made concerning what is referred to as the "pursuit and intimidation" of groups of the so-called "Iraqi opposition" and members of their families. These allegations consist of stories woven in the minds of those funded by the United States and other intelligence services, which have the ability to fabricate any document or evidence for use in achieving their own purposes with harmful consequences for other peoples.

G. Mass relocations

For the allegations concerning the so-called "mass relocations and relocation of non-Arabs and Arabization of areas from which they are expelled" contained in paragraphs 49 to 52 of the report, Mr. Mavrommatis has drawn most of his information from the reports of his predecessor, van der Stoel, to which Iraq responded at the time, or from sources in the subversive movements that have found a safe haven in the autonomous governorates that are beyond the control of the Government of Iraq owing to foreign interference in the country's internal affairs. The previous Special Rapporteur would claim that the Iraqi Government was engaged in forced displacement and resettlement, and these allegations are devoid of all truth. There have been no compulsory resettlements, and the inhabitants of these areas are living their normal lives, pursuing their day-to-day activities, exercising their rights and performing their duties in accordance with the law and the Constitution. Iraq elucidated the true state of affairs in its response contained in document A/C.3/52/7 of 17 November 1997, namely that during the Iraq-Iran war some families were resettled because they lived in border areas that had become a theatre of military operations at that time in order to ensure their safety as civilians. They were compensated for their property in accordance with the law. Reference can also be made in this connection to document A/49/349, another response to a report submitted by the Special Rapporteur.

H. Political rights

Paragraphs 53 and 54 of the report contain claims that lack credibility and are refuted by the material evidence. Amendments were made to the Iraqi Constitution in 1995 and 1996 in connection with the election of the President of the Republic, the National Assembly and local councils, and the decisions taken and laws enacted in the exceptional circumstances experienced by Iraq, as described in Iraq's response in document E/CN.4/1996/119, were suspended. The Iraqi Constitution regulates democratic practice in Iraq. We refer in this connection to the existence of multiparty activity in Iraq through the Progressive National and Patriotic Front, which embraces a number of leading Arab and Kurdish political parties and personalities in Iraq and plays an active, public role in political life at home and abroad. There are also the occupational and cultural federations and associations. The Political Parties Law (Law No. 30 of 1991) established the principle of a multiparty system. In performing the tasks entrusted to it, the Council of Ministers is subject to the provisions of the Constitution and the law. The Iraqi Constitution regulates the role played by the people in exercising its political rights through the National Assembly, which represents all political, social and cultural segments of the people and is made up of representatives freely and directly elected every four

years. The National Assembly considers draft laws and participates in their enactment and in the discussion of the general internal and external policy of the State. It can summon any member of the Council of Ministers or any State official for questioning and has the right to propose his removal, and it also has powers of oversight. In May 2000, elections to the National Assembly were held in the presence of many Arab and non-Arab observers who came to the country to monitor the conduct of the election process, which took place in complete freedom.

The violations to which the Special Rapporteur refers in paragraph 53 of the report, namely intimidation, arrest and torture for political reasons, were the subject of a detailed response by the Iraqi Government (A/C.3/52/7) to the interim report of the Special Rapporteur to the General Assembly at its fifty-second session (A/52/476).

I. Humanitarian issues

In connection with the humanitarian issues mentioned in paragraphs 55 to 63 of the report, the Special Rapporteur blames the Government of Iraq for the failure of the oil-for-food programme to meet the humanitarian needs of the Iraqi people. At the same time, he indicates that there has been a marked improvement in the supply of food and medicines and in purchases connected with infrastructure, such as water, electricity, sanitation and oilfield husbandry. This contradicts the findings of the report of the Secretary-General of 8 September 2000 pursuant to paragraph 5 of resolution 1302 (2000) (S/2000/857) and the substance of the letter dated 30 October 2000 from the Secretary-General addressed to the President of the Security Council (S/2000/950) expressing very serious concern at the increased numbers of contracts being placed on hold, which the Special Rapporteur neglects to mention. The number of contracts placed on hold is very large, and they include important contracts of a humanitarian character for medical supplies and drugs and for the electricity, sanitation, environment, oil, communications and other basic services sectors. For phases IV, V, VI, VII and VIII, there are 1,220 contracts for these sectors that are on hold, for a total value of 2,185,347,296 United States dollars. Many humanitarian and human rights organizations, as well as United Nations agencies such as UNICEF and the Food and Agriculture Organization of the United Nations, have highlighted the suffering of the Iraqi people. A study done by UNICEF states that 23 per cent of dwellings lack drinking water and sanitation services and that the situation of hospitals is still not good. The latest ICRC report indicates that hospitals in Iraq are on the verge of collapse. The allegations mentioned by the Special Rapporteur to the effect that the Government of Iraq is directing more medicines to the hospitals in which senior officials are treated and is stockpiling medicaments for use in a war emergency are no more than groundless charges for which there is no evidence. No negative comments have been made by the United Nations monitors observing the implementation of the memorandum of understanding, whether with respect to foodstuffs, other humanitarian goods or drugs, and nor have there been any such comments in the periodic reports of the Secretary-General of the United Nations to the Security Council on the implementation of the memorandum of understanding, most recently that of 8 September 2000 (S/2000/857). The assertion that the Government of Iraq is using the ration card system as a means of pressure and intimidation is also a baseless charge emanating from those well-known parties seeking to deflect attention from the obstacles raised by the United Kingdom and the United States in the Security

Council Committee established by resolution 661 (1990) to the implementation of contracts under the memorandum of understanding.

With regard to the State-implemented projects to which the Special Rapporteur refers in paragraph 59 of the report, we should like to affirm that the Government of Iraq is refurbishing the infrastructure destroyed by the coalition forces — especially the water, sanitation and communications facilities and the schools and hospitals that are indispensable for the life of any people — by using the national, domestic resources that are available and that have no relation to the resources of the oil-for-food programme. He would have been better advised to call upon the United Nations to lift the embargo and enable Iraq to have free use of its assets so as to promote development and prosperity for its people.

In paragraph 60 of his report, the Special Rapporteur states that the situation with respect to medicines and food supplies in the northern governorates appeared to be much better. The assertions made in this regard are highly exaggerated. It must nevertheless be stated that the per capita share in the oil-for-food programme of Iraqi citizens in the three northern governorates is greater than that of their counterparts in the central and southern regions. Furthermore, the United States and the United Kingdom do not place holds on contracts for humanitarian items destined for the northern region, to say nothing of the fact that these governorates do not suffer greatly from the consequences of the embargo because their borders are open to the neighbouring countries and the movement of goods, funds and persons between countries takes place without restrictions. On the other hand, however, the report on the performance of the United Nations agencies in implementing that part of the plan that relates to the three northern governorates, as conveyed in the report of the Secretary-General contained in document S/1999/187, confirms that such performance is poor, inasmuch as the completion rate is 27 per cent, while concrete and tangible facts have shown the meticulous performance and the high level of implementation, at 79 per cent, in all other parts of Iraq. The infant and maternal mortality rates confirmed by the reports of the international humanitarian organizations are not claims by the Iraqi Government and were not exaggerated by the Government for propaganda purposes as alleged by the Special Rapporteur. He ought to have consulted the reports of the United Nations specialized agencies such as UNICEF and the World Health Organization in order to ascertain the accuracy of this information. In connection with paragraph 62 of the report, Iraq does not accept an increase in the number of monitors under the oil-for-food programme because the present number is sufficient for the purpose. The monitors have thus far completed more than 750 observation missions in all parts of Iraq and have not found any violations of the procedures under the memorandum of understanding between Iraq and the United Nations.

IV. Recommendations

In part III [i.e. IV] of his report, the Special Rapporteur presents a number of recommendations. Responses have been provided above to all of them with the exception of that contained in paragraph 71, which reads as follows:

> "The Special Rapporteur urges the Government of Iraq to accept and comply with the terms of all Security Council resolutions and in particular resolution 1284 (1999), in order that it might alleviate the suffering of the Iraqi people."

We should like in this connection to state that Iraq has discharged all of the obligations under the relevant Security Council resolutions. This has been confirmed by many international officials, including former members of the Special Commission, and the most recent such testimony has been the statement by Scott Ritter to the effect that Iraq is free of weapons of mass destruction. However, the United States of America, the United Kingdom and a number of other countries known for their hostility to Iraq are striving to achieve a well-known political objective that requires the retention of the embargo that is causing increasing suffering to the Iraqi people and further destruction to all it has built up over long years for the implementation of its development plans. The time has come for the Special Rapporteur on the situation of human rights in Iraq to raise his voice and urge the Security Council to meet its obligations towards Iraq by lifting the embargo imposed on the Iraqi people, particularly since appeals opposing the sanctions have been coming from all sides. Within the United Nations, the Secretary-General himself has been among the foremost critics making unequivocal charges against the sanctions regime, as in his report to the Security Council of 10 March 2000. These sanctions have brought about the resignation of three senior United Nations humanitarian affairs officials in Iraq, namely Denis J. Halliday, Hans von Sponeck and Jutta Burghardt. Many countries and international personalities on all continents have also expressed their concern at the impact of the sanctions on the Iraqi people. At the citizen level, there have been stormy protest demonstrations in a number of Western capitals. At the same time, non-governmental organizations, human rights groups and humanitarian organizations in the world at large are maintaining their demands that the sanctions should be lifted, particularly since they have no legal basis and are incompatible with international humanitarian law. They are a form of genocide, as indicated by article II of the Convention on the Prevention and Punishment of the Crime of Genocide, which entered into force in 1951 and which defines genocide as:

> " ... any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, such as [i.e. as such]:
>
> (a) Killing members of the group;
>
> (b) Causing serious bodily or mental harm to members of the group;
>
> (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
>
> ... ."

It is well known that some 1 million Iraqis, including women and children, have died and that hundreds of thousands more will die in future because of the maintenance of the sanctions and the insistence on their retention, given the intention of officials in the United States and the United Kingdom to destroy the Iraqi people. The United States Secretary of State acknowledged that this was the true state of affairs when she declared on a television programme that the death of half a million Iraqi children was an acceptable price for the maintenance of the sanctions.

Although the Special Rapporteur urges the Government of Iraq to accept and comply with Security Council resolution 1284 (1999), we should like to point out that this resolution does not meet Iraq's legitimate demand that the sanctions be lifted.

We should also like to state that resolution 1284 (1999) seeks to deceive public opinion, to reformulate all the resolutions that Iraq has implemented and to impose new conditions with a view to maintaining the sanctions rather than lifting them. We should like in this connection to refer to the statement of Mr. Hans von Sponeck, the humanitarian coordinator in Iraq who tendered his resignation on 31 March 2000, to the effect that the main reason for his resignation was his conviction that, for the most part, resolution 1284 (1999) could not be implemented. This was also the case with the other United Nations officials who resigned.

Lastly, Iraq is of the view that Mr. Mavrommatis, the Special Rapporteur on the situation of human rights in Iraq, should be concerned with the suffering of a people consisting of some 24 million persons that is being caused by:

(a) An embargo that has been in place since 1990;

(b) Aggression that has been maintained since 1991 and constant intimidation by aerial bombardment and the fear it inspires;

(c) The destruction of infrastructure owing to aggression and the fact that Iraq is not permitted to have free use of its assets for purposes of reconstruction;

(d) Its inability to exercise its right to have access to potable water;

(e) Its inability to exercise its right to have free access to food, medicines and other humanitarian supplies in accordance with its needs so that it may continue to live a life of dignity like the other peoples of the world;

(f) Its inability to exercise its right to have access to education, culture and modern technology; and

(g) Its inability to exercise its right to use its own resources for purposes of development.

For all the aforesaid reasons and others, the Government of Iraq rejects the charges and allegations made in this report and asks the Special Rapporteur to understand the true situation of human rights in Iraq in the light of the grave violations being inflicted on the people of Iraq because of the maintenance of the embargo. It asks him to add his voice to those of others calling for the elimination of the great injustice to which this people is being subjected. This would be the first step on the right path to improving the situation of human rights in Iraq.